

**REMARKS**

Claims 1, 9-10, 12-13, and 15-25 are pending. Claims 2-8, 11, and 14 are canceled. Applicants reserve the right to pursue the subject matter of any canceled claims in one or more continuing applications.

**Support for Amendments**

Claim 1 is amended to encompass an embodiment of the invention where the amino acid at position 8 (L-Orn) is substituted with another natural or non-natural amino acid, and/or is masked with one or more substituent groups. The claimed compounds may optionally be modified at the terminal acyl group. Support for amended claim 1 can be found, for example, in original claims 2 and 3, and at page 7, paragraphs 3 and 5, and pages 9-10 of the application as filed. Claims 9-10 and 12 are amended according to US practice.

New claims 15-22 are directed to various embodiments within the scope of claim 1. Support can be found, for example at page 7 (paragraphs 5-6), page 16 (line 13), and page 17 (lines 3-13).

New claim 23 is directed to a pharmaceutical composition comprising a compound according to claim 1. Support can be found in the specification at page 6, first paragraph.

New claims 24-25 are directed to methods of use of the compound according to claim 1. Support can be found throughout the specification as filed, for example at page 6, paragraph 2.

No new matter is entered.

**Response to Election of Species Requirement**

In response to the Election of Species Requirement, Applicants elect  $[\text{N}\epsilon(\text{Me})_3\text{-Lys}]^8$ , (4S)-MeHex<sup>14</sup>]-KF, which is compound 93, disclosed in Example 10, with traverse. The

compound can also be found in Table VIII of the specification. The claims readable on the elected species are claims 1, 10, 12-13, 15, 17-18, 20, 23, 24, and 25. Applicants understand that upon allowance of a generic claim, Applicants will be entitled to consideration of additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Applicants traverse the Election of Species Requirement on the basis that the pending claims share a special technical feature which is the modification in the identity of the L-Orn amino acid at position 8. The modification of Orn-8 leads to substitution with another natural or non-natural amino acid, and/or masking with one or more substituent organic groups. The reference cited by the Examiner (Hamann et al, JOC, 1996, v. 61, pp. 6594-6600) does not destroy the special technical feature of the pending claims. Moreover, new claims 23-25 depend from and incorporate all of the elements of claim 1.

Applicants also traverse the Election of Species Requirement on the basis that Applicants are entitled to examination of a reasonable number of species (*i.e.*, reasonable being more than 1). Furthermore, there is no serious burden to the Examiner in searching the generic claims because USPTO examination of chemical compounds routinely covers large numbers of compounds, and USPTO examiners are accustomed to such examination. According to the MPEP,

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

See MPEP 803. Even assuming that the various species lack unity of invention, Applicants believe that the Examiner must examine them on the merits because examination can be made without serious burden, as directed by the MPEP.

## AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for consideration of this paper to Deposit Account No. **50-3732**, Order No. 13566.105010. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **50-3732**, Order No. 13566.105010.

Respectfully submitted,  
KING & SPALDING, L.L.P.

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